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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

The Honorable Charles J. McCutchen

Appellate Case No. 2025-000705

James S. Patton,

Appellant,

v.

Kera R. Selzer and Dustin S. Selzer,

Respondents.

RESPONDENTS' MOTION TO DISMISS

This matter is before the Court on the undersigned Counsel's Motion to Dismiss Appellant's appeal as moot because the underlying Restraining Order expired on November 5, 2025.

The Initial Brief of Respondents is due on March 4, 2026. Pursuant to South Carolina Appellate Court Rule 240, I respectfully request a stay of the time limits for perfecting the appeal until Respondent's Motion to Dismiss is decided.

THEREFORE, Respondents request that the Court grant their Motion to Dismiss and for a stay of the time limits for perfecting the appeal until Respondent's Motion to Dismiss is decided.

Respectfully Submitted,

s/ J. Creighton Hayes

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ATTORNEY FOR RESPONDENTS

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MEMORANDUM IN SUPPORT OF RESPONDENTS' MOTION TO DISMISS

PROCEDURAL BACKGROUND

On September 30, 2024, Respondents Kera Selzer and Dustin Selzer filed a Complaint and Motion for Restraining Order against Appellant James S. Patton in York County Magistrate Court, alleging Appellant engaged in harassment, first degree (§16-3-1700 (A)). (2024-OR-46-10500025).

On November 5, 2024, the parties appeared before the Honorable Douglas W. Sexton ("Magistrate Judge") for a hearing on the motion for a restraining order. Leland Greeley represented Appellant, and Creighton Hayes represented the Respondents. After hearing the testimony and reviewing the evidence, the Magistrate Judge granted Respondents' motion and issued a Restraining Order.

On November 25, 2024, Appellant filed a Notice of Intent. The Magistrate Judge filed its Return on January 17, 2025, and Respondents filed a Memorandum in Support of the Magistrate’s Return and in Opposition to the Appeal on February 19, 2025.

On February 25, 2025, the parties appeared before the Honorable Charles J. McCutchen (“Circuit Court”) for appellate review of the Magistrate Judge’s issuance of a Restraining Order against Appellant. (2024-CP-46-0598). Leland Greeley represented Appellant, and Creighton Hayes represented the Respondents. The Circuit Court subsequently issued an Order affirming the Restraining Order on March 12, 2025.

On April 11, 2025, Appellant filed a Notice of Appeal before this Court.

On November 5, 2025, the Restraining Order against Appellant expired pursuant to its terms.

ARGUMENT

Due to the expiration of the Restraining Order against Appellant on November 5, 2025. Respondents argue that the appeal should be dismissed as moot. Because the restraining order has already expired, Respondents believe that a ruling on the issues pending before the Court will have no practical effect on the parties. “A case becomes moot when judgement, if rendered, will have no practical legal effect upon [the] existing controversy. This is true when some event occurs making it impossible for [the] reviewing Court to grant effectual relief.” *Curtis v. State*, 345 S.C. 557, 567, 549 S.E.2d 591, 596 (2001), citing *Mathis v. South Carolina State Highway Dep’t*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973).

CONCLUSION

The expiration of the Restraining Order on November 5, 2025, renders the present appeal moot, and Respondent’s Motion to Dismiss should be granted by this Court.

Respectfully Submitted,

s/ J. Creighton Hayes

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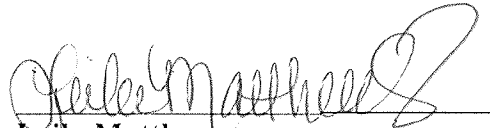
Kera R. Selzer and Dustin S. Selzer,

Respondents.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the within and foregoing Respondents' Motion to Dismiss by emailing and depositing a true and correct copy of the same via first-class mail, postage prepaid, upon all parties as follows:

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March 2, 2026